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 RICHARD PERKINS, III  
 and ADA PERKINS-HENDERSON

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

T.D.P., a minor through her mother and  
 Next Friend, Andrea Dupree, individually  
 and as successor in interest for RICHARD  
 HESTER PERKINS JR., Deceased,

Plaintiff,

vs.

CITY OF OAKLAND, a public entity,  
 CITY OF OAKLAND POLICE CHIEF  
 SEAN WHENT in his individual and  
 official capacities, SERGEANT JOSEPH  
 TURNER, OFFICERS JONATHAN  
 CAIRO, JOSHUA BARNARD,  
 ALLAHNO HUGHES, and DOES 1-10,  
 Jointly and Severally,

Defendants.

No: 3:16-cv-04132-LB

**PLAINTIFFS UPDATED JOINT CASE  
 MANAGEMENT STATEMENT**

**Date:** September 27, 2018

**Time:** 9:30 a.m.

**Place:** Courtroom C - 15th Floor, 450 Golden  
 Gate Ave., San Francisco, CA 94102

**Judge:** Laurel Beeler

**Case Filed:** August 1, 2016

**Trial Date:** May 6, 2019

RICHARD PERKINS, III, son of  
RICHARD PERKINS, JR., deceased, and  
ADA PERKINS-HENDERSON,

Plaintiff,

vs.

CITY OF OAKLAND; JOSEPH  
TURNER, individually and in his official  
capacity as a sergeant for the police  
department of the City of Oakland;  
JONATHAN CAIRO, individually and in  
his official capacity as an officer for the  
police department of the City of Oakland;  
JOSHUA BARNARD, individually and in  
his official capacity an officer for the  
police department of the City of Oakland;  
and ALLAHNO HUGHES, individually  
and in his official capacity as an officer  
for the police department of the City of  
Oakland,

Defendants.

No: 3:16-cv-04324-LB

**PLAINTIFFS UPDATED JOINT CASE  
MANAGEMENT STATEMENT**

1           **1. Outstanding Issues:**

2           Plaintiffs file this separate case management conference statement due to a disagreement  
3 between the parties about whether or not next week's case management conference should be  
4 continued. The parties conferred throughout the day yesterday in an attempt to reach a reasonable  
5 compromise about Defendants' third request to continue various hearing and case management  
6 dates. Defendants would not agree to Plaintiffs' request that the case management conference only  
7 remain on calendar, and the parties remained at an impasse into the late evening hours with lead  
8 counsel for Plaintiff T.D.P. in the Eastern Time Zone. (See Doc. 132 re Plaintiff T.D.P.'s notice of  
9 unavailability). Plaintiffs' counsel requested that Defendants allow Plaintiffs to add our comments  
10 to a joint statement to be filed today, however, we have not received a response.

11           Plaintiffs understand that Defendants seek leave from the Court to continue both the case  
12 management conference hearing as well as the hearing on Defendants' motion for summary  
13 judgment due to lead counsel Blake Loeb's indefinite leave, beginning on September 10, 2018.  
14 Plaintiffs respectfully request that the Court maintain the date of the current case management  
15 conference, scheduled for September 27, 2018. Plaintiffs are amenable to continuing the motion for  
16 summary judgment, and have communicated this to Defendants. However, the parties have not had  
17 a case management conference since November 9, 2017, and Plaintiffs believe a case management  
18 conference is necessary to discuss outstanding issues with the Court as soon as possible. This is  
19 especially pressing to counsel for all Plaintiffs considering that the next date on which the Court  
20 holds case management conferences where all Plaintiffs' counsel will be available is November 28,  
21 2018.

22           Plaintiffs have already accommodated several of Defendants' requests to continue both the  
23 hearing on the motion for summary judgment as well as the expert discovery cutoff date. On May  
24 31, 2018, Plaintiffs agreed to stipulate to continuing both the motion for summary judgment and  
25 expert discovery cutoff due to City of Oakland lead trial counsel Blake Loeb's medical leave. (Doc.  
26 130.) Then, on September 10, 2018, Plaintiffs again agreed to continue the expert discovery cutoff.  
27 (Doc. 133.) City of Oakland Defendants are again asking that Plaintiffs continue both the motion

1 for summary judgment and expert discovery cutoff as well as all currently scheduled expert  
2 depositions. Plaintiffs will agree to continuing the currently scheduled expert depositions, the  
3 motion for summary judgment, and the expert discovery cutoff date. However, Plaintiffs believe it  
4 is eminently reasonable to ask that Defendants participate in the currently scheduled case  
5 management conference where no party will be asked to argue a motion or a point of contention,  
6 but instead discuss pretrial matters and the possible change in counsel by City of Oakland  
7 Defendants. Given the length of time since the last CMC hearing, as well as serious developments  
8 in party representation, it is necessary to keep this scheduled case management conference.  
9 Additionally, the pretrial conference is set on April 28, 2019 with trial to start on May 6, 2019. The  
10 next time all Plaintiffs' counsel are available is November 28, 2018, which would be a full year  
11 since the previous case management hearing and only four months from the pretrial conference.

12 Plaintiffs remain willing to continue the motion for summary judgment given Defendants'  
13 predicament, but we ask that the Court keep the case management conference date so we can have a  
14 discussion about scheduling and pretrial issues, and possible further ADR. Further, because  
15 Defendants have previously failed to negotiate in good faith, Plaintiffs further request that the  
16 person(s) in the Oakland City Attorney's office with responsibility, and decision-making authority  
17 attend next week's case management conference so that an attorney for Defendants will be present  
18 at the CMC with authority to bind Defendants as to future pretrial dates, expert discovery issues,  
19 and other matters including further ADR.

20 By the date of the case management conference, Defendants will have had over two weeks,  
21 and very likely a lot longer given that they have known about Mr. Loebs' serious illness for a  
22 number of months, to come to a decision about the steps they would like to take considering Mr.  
23 Loebs' now indefinite absence. These constant continuances have inflicted a lot of costs on  
24 Plaintiffs because counsel have had to prepare for scheduled expert depositions only to have them  
25 rescheduled. The only request Plaintiffs make at this time is to allow the currently scheduled case  
26 management conference to go forward.

1           **2.       Joint Statement on Case Progress and Developments**

2           Plaintiffs are set to depose two of Defendants' experts, Craig Fries on October 11, 2018 and  
 3 Kris Mohandie on October 12, 2018. Defendants are set to depose Plaintiffs' police practices expert  
 4 John Ryan on October 12, 2018. However, Plaintiffs understand that Defendants desire to  
 5 reschedule these depositions. Plaintiffs will again accommodate Defendants' request.

6           On February 20, 2018, Defendants filed a joint summary judgement motion and Plaintiffs  
 7 responded on April 3, 2018. The hearing on the motion for summary judgment is scheduled to  
 8 occur on September 27, 2018, the same day as the case management conference, however, it is  
 9 Plaintiffs understanding that Defendants will seek to continue the motion for summary judgment as  
 10 well as the case management conference.

11           **3.       ADR**

12           At this time, there are no further settlement conferences or mediations scheduled, however,  
 13 Plaintiffs are willing to participate in ADR when Defendants are willing to negotiate in good faith.

14  
 15  
 16 DATED: September 21, 2018

HADDAD & SHERWIN, LLP.

17           /s/ Maya Sorensen

18           Maya Sorensen  
 19           Attorneys for Plaintiff  
 20           T.D.P.

21 DATED: September 21, 2018

Siegel & Yee

22           /s/ EmilyRose Johns

23           EmilyRose Johns  
 24           Attorneys for Plaintiffs  
 25           Perkins and Henderson  
 26  
 27  
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